



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Stuart D. Hellring et al

Serial No.: 09/882,549

Filing Date: June 14, 2001

For: A SILICA AND SILICA BASED
SLURRY

: PATENT APPLICATION

: Group Art Unit: 1763

: Examiner: George A. Goudreau

: Docket No. 1673A1

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RESPONSE TO OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE

Applicants have carefully reviewed the Office Action dated October 2, 2002, related to the above-mentioned patent case, and request consideration of the following remarks.

REMARKS

The Examiner has rejected claims 1-5, 7-12, and 18-30 under 35 U.S.C. 103(a) as being unpatentable over United States Patent 5,286,478 (i.e., "Persello"). Applicants traverse this rejection. Applicants submit that the claimed invention is not fairly suggested by the Persello reference.

The Persello reference does not disclose nor even suggest silica having an aggregate of primary particles wherein the aggregate size is less than one (1) micron. Moreover, a reason or purpose for producing aggregated silica having an aggregate size within the claimed range is not

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Washington, D.C. 20231,
on <u>February 28, 2003</u>
(Date of Deposit)
<u>Carol A. Marmo</u>
(Name of applicant, assignee or Registered Representative)
<u>Carol A. Marmo</u>
(Signature)
<u>February 28, 2003</u>
(Date of Signature)